

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GEORGE TYRONE DUNLAP JR.,

Plaintiff,

vs.

DWIGHT NEVEN, *et al.*,

Defendants.

Case No. 2:09-cv-02394-RLH-GWF

**ORDER**

Second Request for Issuance of  
Summons (#62)

This matter comes before the Court on Plaintiff's Second Request to Issue Summons to be Served by the U.S. Marshal's Service (#62), filed on August 24, 2011; Defendant's Response to Plaintiff's Second Motion for Issuance of Summons (#63), filed on September 8, 2011; and Plaintiff's Opposition to Defendants Denials to Disclose Information and Produce Discovery (#64), filed on September 16, 2011.

Plaintiff requests the Court to order the U.S. Marshal to issue summons for four Defendants in this case. Plaintiff previously requested that the Court compel the identification of Defendants and issues summons on the same four Defendants (#32, 40, 46). The Court entered an Order on June 17, 2011 (#47), denying without prejudice Plaintiff's previous requests based on Plaintiff's failure to identify the full name and address of Defendants Atkins, Height, Gonzalez, and Lopez. In the interest of protecting the Defendants' information, the Court further instructed the Plaintiff to issue a subpoena to NDOC requesting the identifying information of the four Defendants be delivered to the Court for the purposes of service. The Court instructed Plaintiff that once the necessary information was obtained, he could re-file his request for service.

Plaintiff has not indicated to the Court that he has followed the Court's instructions and issued a subpoena on the NDOC. Instead, on June 29, 2011, Plaintiff requested that the Court issue

1 a subpoena on NDOC, requesting among other information, the full names and addresses of the  
2 above Defendants (#54). On August 10, 2011, the Court denied Plaintiff's request (#60), in part,  
3 because the Plaintiff's *in forma pauperis* status does not extend to issuance of subpoenas at the  
4 government's expense.

5 In the current motion, Plaintiff again failed to provide the full name and address of  
6 Defendants Atkins, Height, Gonzalez and Lopez. The information provided by the Plaintiff is  
7 insufficient to accurately identify the named-individuals. Accordingly, the Court will deny without  
8 prejudice Plaintiff's request. Upon obtaining the full names and addresses of the above Defendants  
9 through discovery, Plaintiff may re-file his request with the Court.

10 **IT IS HEREBY ORDERED** that Plaintiff's Second Request to Issue Summons to be  
11 Served by the U.S. Marshal's Service (#62) is **denied** without prejudice.

12 DATED this 20th day of September, 2011.

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15 GEORGE FOLEY, JR.  
16 United States Magistrate Judge  
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